



COTTONWOOD HEIGHTS

PLANNING COMMISSION STAFF REPORT

NOVEMBER 5, 2008



COTTONWOOD HEIGHTS PLANNING COMMISSION AGENDA

Notice is hereby given that the Cottonwood Heights Planning Commission will hold a **Regularly Scheduled Meeting** beginning at 7:00 p.m. on **Wednesday, November 5, 2008**, in the Cottonwood Heights City Council Chamber located at 1265 East Fort Union Blvd., Suite 250 (work session) and Suite 300 (business meeting), Cottonwood Heights, Utah.

5:45 p.m. **WORK SESSION (suite 250)**

7:00 p.m. **BUSINESS MEETING (suite 300)**

1.0 **WELCOME/ACKNOWLEDGEMENTS – Chairman**

2.0 **CITIZEN COMMENTS**

(Please note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comments will be limited to three minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed five minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the City Recorder prior to noon the day before the meeting)

3.0 **PUBLIC HEARINGS**

3.1 The Planning Commission will receive public comment on a request for a conditional use permit for a short term rental, as requested by John and Susanna Forney. The property is located at 8126 S. Clover Springs Lane.

3.2 The Planning Commission will receive public comment on a request for a zone change at 6723, 6753 and 6761 South on 1300 East. The applicant, Jim Kane, is proposing to rezone the properties from NC (Neighborhood Commercial) to MU (Mixed Use).

4.0 **ACTION ITEMS**

4.1 The Planning Commission will discuss and take action on establishing regularly scheduled dates for General Plan Amendments.

5.0 **DISCUSSION ITEMS**

There are no discussion items on the agenda.

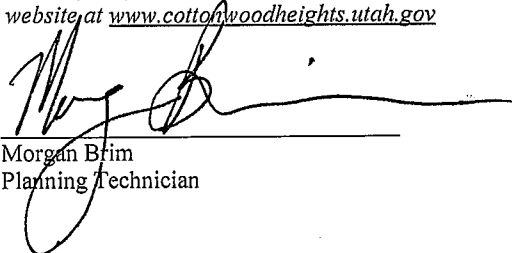
6.0 **PLANNING DIRECTOR'S REPORT**

7.0 **APPROVAL OF MINUTES**

7.1 October 1, 2008

8.0 **ADJOURNMENT**

On Friday, October 31, 2008, at 12:00 p.m. a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Cottonwood Heights City Offices, Cottonwood Heights, Utah. A copy of this notice was faxed to the Salt Lake Tribune and Deseret News, newspapers of general circulation in the City by the Planning Department. A copy was also faxed or emailed to the Salt Lake County Council, Holladay City, Midvale City, Murray City, and Sandy City pursuant to Section 10-9-103.5 of the Utah Code. The agenda was also posted on the city internet website at www.cottonwoodheights.utah.gov


Morgan Brim
Planning Technician



Item 2 – CITIZEN COMMENT

Issue: _____

Comments:

Issue: _____

Comments:

Issue: _____

Comments:



Item 3.1 Public Hearing: Conditional Use Request for a Short Term Rental – 8126 S. Clover Springs Lane

File Name:	07-071 Short Term Rental - Conditional Use Permit
Application Received:	December 14, 2007
Public Hearing Date:	November 5, 2008
Zoning:	R-2-8
Subdivision:	The Oaks at Wasatch
Location:	8126 S. Clover Springs Lane
Request:	Conditional Use Permit for a Short Term Rental
Owner/Applicant:	Susanna and John Forney
Staff:	Morgan Brim, Planning Technician

Purpose of Staff Report

The ordinances adopted by the city of Cottonwood Heights (the "City") require City staff to prepare a written report of findings concerning any conditional use permit request application for a Short Term Rental. This report provides preliminary information regarding the conditional use for a Short Term Rental being applied for by this applicant. Further information will be provided at the Planning Commission meeting through public testimony and oral reports. For reference, the review process applicable to this application is available in Title 19, Section (19.89) Short Term Rentals in the Cottonwood Heights Code of Ordinances.

Applicant's Request

The applicant is requesting a Conditional Use Permit for a Short Term Rental for up to 2 adults and 2 related children per bedroom of up to 4 bedrooms or up to 12 persons which ever is less 19.89.120.

Neighborhood/Public Position on the Request

At the time of the staff report, staff had not received any comment with regard to the conditional use request. The Planning Commission will be updated on the public's position in the work session before the public hearing.

Staff Recommendation

On October 8, 2008 staff inspected the applicant's property and finds that the requirements of Short Term Rentals 19.89 have been followed. Staff recommends approval of this application with the following condition:

1. That the approved short term rental property is required to maintain compliance with all sections and sub-sections of chapter 19.89 of the Cottonwood Heights Municipal Code and all other legal requirements and all other applicable laws.

Staff Contact

Morgan Brim Planning Technician

Phone: (801) 944-7065

Email: mbrim@cottonwoodheights.utah.gov

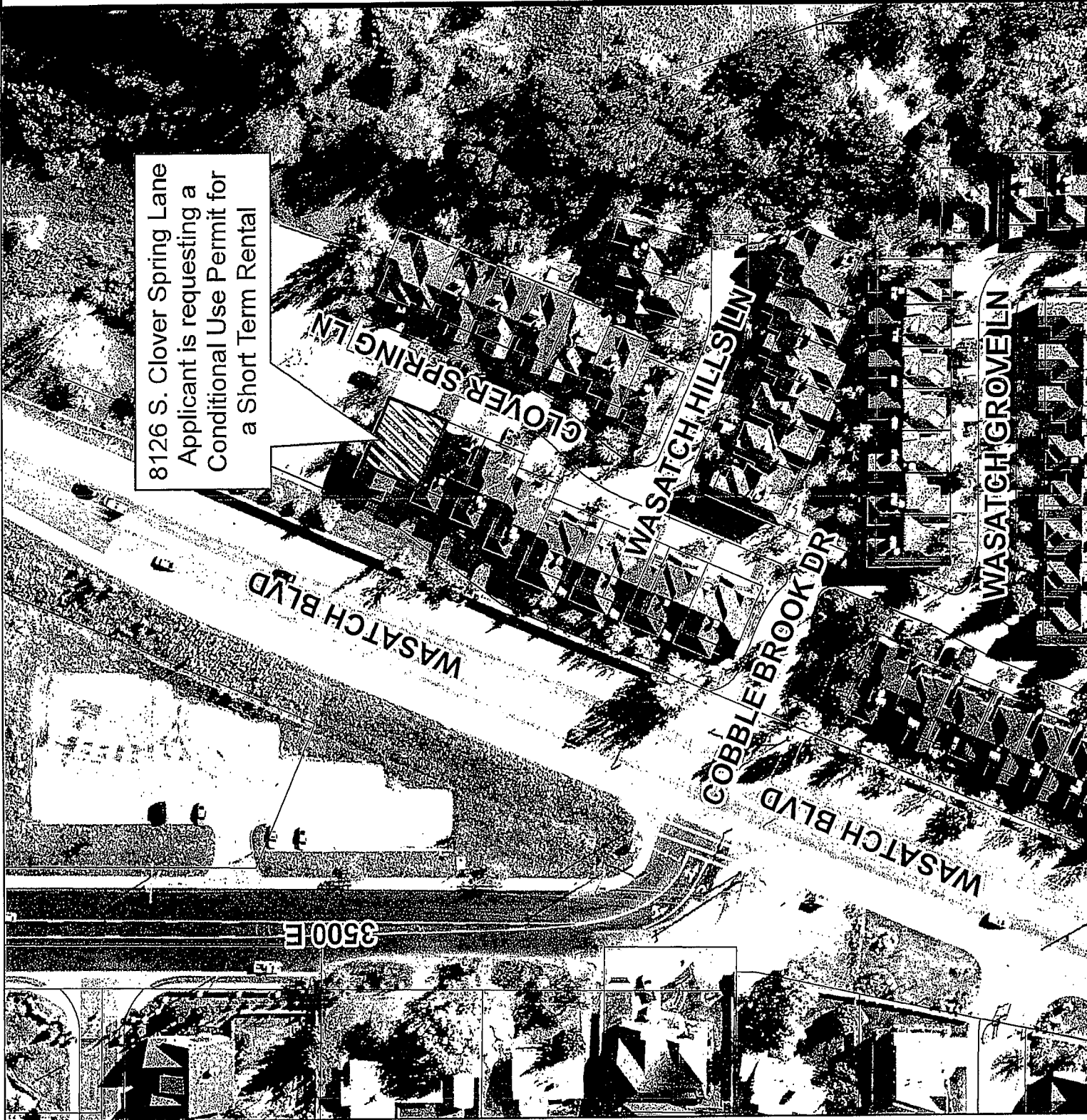


8126 S. Clover Spring Lane
Applicant is requesting a
Conditional Use Permit for
a Short Term Rental

City of Cottonwood Heights
Planning Department
1265 E. Fort Union Blvd., #250
Cottonwood Heights, UT 84047
(801) 944-7065



Published:
October 08, 2008





Item 3.2 Public Hearing: Zone Change Request – 6723, 6753, and 6761 S. 1300 East.

File Name:	08-036 Cubes Self Storage Rezone
Application Received:	October 16, 2008
Meeting Date:	November 5, 2008
Public Hearing Date:	November 5, 2008
County parcel Number:	2220430005, 2220430006, 2220430007
Location:	6723, 6753, and 6761 S. 1300 East
Development Area:	1.62 Acres
Request:	Zone change from NC to MU
Owner/Applicant:	Surety Title & Russell Smith
Agent:	James Kane
Staff:	Greg Platt, Planner

Purpose of Staff Report

The ordinances adopted by the city of Cottonwood Heights (the "City") require City staff to prepare a written report of findings concerning any zone change request application. This report provides preliminary information regarding the zoning of the above noted parcels of land. Further information will be provided at the Planning Commission meeting through public testimony and oral reports. For reference, the review process applicable to this application is available in the Zoning: MU (19.36), NC (19.37), Amendments and Rezoning (19.90), Gateway Overlay District (19.49), and the Cottonwood Heights General Plan.

Pertinent Issues Regarding this Development Application

Applicant's Request

The applicant is requesting a zone change for three properties located at approximately 6753 S. 1300 East from NC or Neighborhood Commercial to MU Mixed Use. The general plan designation for the property is MU or Mixed Use which allows for zoning designations of Mixed Use, Neighborhood Commercial, or Residential Office.

Neighborhood/Public Position on the Request

At the time of this report, staff has received no comments with regard to the requested zone change. Any communications received between the time of this report and the public hearing will be compiled and presented to the planning commission at the time of the meeting. The public hearing was noticed as City code requires. A written notice was mailed to all property owners within 500 feet of the applicant's property at least 10 days

prior to the public hearing. A sign was also posted on the property 6 days before the public hearing.

Staff Observations and Position on the Request

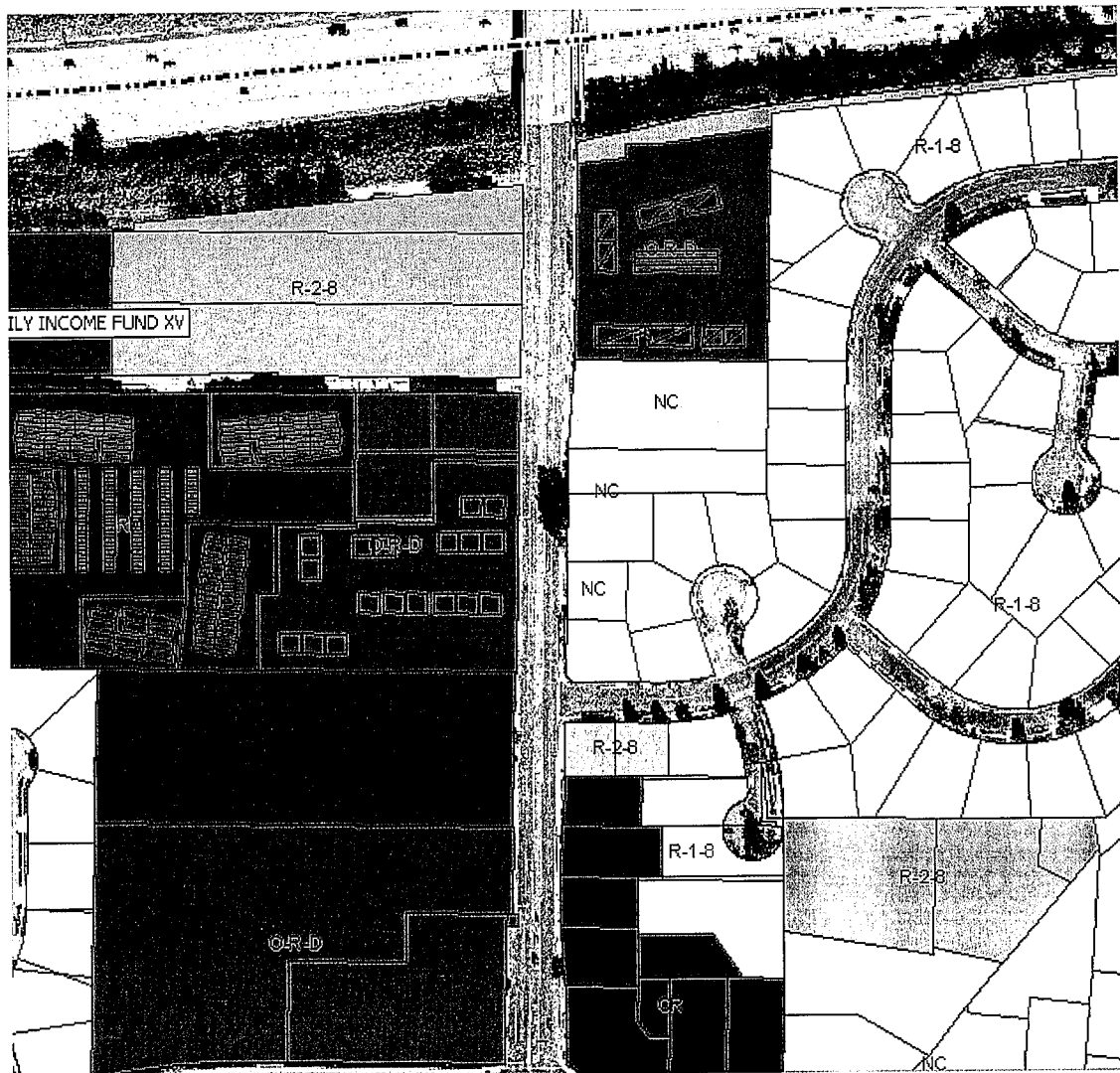
Staff has made the following observations:

Application

The applicant has submitted a complete application and paid the applicable fees.

Site Layout

The properties is located on the east side of 1300 East just to the south of I-215. The properties comprise 1.62 acres. To the north of the site is a complex of office buildings in an Office, Research, and Development zone. The properties across the street to the west are also zoned O-R-D. The property to the south is zoned Neighborhood Commercial, and the adjoining properties to the east are R-1-8 Residential. Other zones in the immediate vicinity include Residential Multi-Family, R-2-8 Residential, and Regional Commercial. The only access to these properties is from 1300 East.



Zoning

The current zone for the properties is NC or Neighborhood Commercial. The applicant has requested a zone change from NC to MU or Mixed Use. The NC zone is designed for smaller retail and office commercial complexes with a maximum size of 15,000 square feet split between two floors. The Mixed Use zone allows for larger buildings with no specific limit, where anything over 10,000 square feet is a conditional use. Both zones allow for residential uses to be included with commercial uses.

The ordinance states, relative to the Mixed Use zone: "Unlike the NC zone, which is intended for smaller mixed-use developments potentially within established communities, the MU one does not have a maximum allowed floor area for most uses. Such deregulation is intended to encourage those proposing larger commercial and residential developments to consider creating a mixed-use development rather than a regional commercial type development."

Formerly, until August of 2007, the properties were zoned Office, Research and Development, or O-R-D. An application at that time was granted to down-zone the property to Neighborhood Commercial, which also brought the zoning on the property in line with the general plan. Staff reported at that time that the properties, being smaller in size, would more reasonably be zoned NC than O-R-D. Planning Commission member Amy Rosevear expressed a concern of larger-scale uses such as grocery stores in close proximity to the neighborhood to the east. However, the request passed unanimously with one abstention.

The properties in question also fall under the Gateway Overlay District, and any project will fall under the regulations which apply therein.

General Plan

The general plan designation for the subject property is MU or Mixed Use. Under the MU land use designation, an applicant can apply for the Mixed Use, Neighborhood Commercial or Residential Office zones. A change of zoning from Neighborhood Commercial to Mixed Use on these properties is consistent with the general plan designation.

Potential Future Uses

At the time of the staff report, staff understands that the applicant wishes to build a self-storage facility on the site. The applicant has recently presented to the Planning Commission and City Council an amendment to City code which adds self-storage units to the list of conditional uses in the Mixed Use zone. The amendment to code passed with a list of corresponding regulations as to the operation and appearance of such units. This application is the next step in the creation of the applicant's storage facility within the City.

Other possible uses in the Mixed Use zone include the following. Permitted Uses: Mixed Use residential buildings; Bed and Breakfast; Commercial Recreation; Convenience store without gasoline; Community recreation services; Government services; Retail; Public libraries and cultural exhibits; Office building professional with a maximum of two stories and a maximum of 10,000 gross square feet; and Grocery store, food stuffs, retailing, or delicatessen with a maximum gross floor area of 10,000 square feet. Conditional Uses: Churches; Home occupations; Home pre-schools; Child daycare/preschool; Parks, playgrounds or community recreation; Planned Unit Developments; Public and private utility buildings or facilities; Facilities for persons with disabilities; Residential facilities for elderly persons; Schools; Hotels; Class D private clubs; Retail with gross square footage greater than 10,000 square feet; Commercial schools; Supermarkets (groceries, meats and

baked goods); Hardware, lawn and garden supply stores; Administration or professional offices with a floor area greater than 10,000 square feet; Restaurant; Indoor theatre; Shop for making articles sold primarily at retail on the premises; Commercial recreation; Banks, savings, loan, and finance offices; Department stores, furniture and variety stores; Open stands or markets; and Garages (public).

Recommendation

Based on the above review, the compliance with the underlying general plan designation, and the de facto mixed-use nature of the uses surrounding the applicant's properties, staff recommends the rezoning of the properties located at 6723, 6753, and 6761 S. 1300 East from NC – Neighborhood Commercial to MU – Mixed Use.

Standards of Review for the Application

Based on statute (either state and/or municipal) the following standards apply when reviewing conditional uses in the city of Cottonwood Heights:

Zoning – MU: Chapter 19.36

Zoning – NC: Chapter 19.37

Zoning—Gateway: Chapter 19.49

Amendments and Rezoning: Chapter 19.90

Cottonwood Heights General Plan Land Use Map

Staff Contact:

Greg Platt Planner
Telephone: 944-7067
Fax: 545-4150
Cell: 502-5004
E-mail gplatt@cottonwoodheights.utah.gov

List of Attachments:

1. Notice Sent to Property Owners within 500'



COTTONWOOD HEIGHTS
NOTICE OF PUBLIC HEARING
ON A PROPOSED ZONE CHANGE

Notice is hereby given that Cottonwood Heights will hold a public hearing before the Planning Commission on November 5, 2008, to receive public comment on a request by Surety Title and Russell Smith to rezone approximately 1.65 acres of property located at 6723 South 1300 East, 6753 South 1300 East and 6761 South 1300 East, Cottonwood Heights, Utah, from NC (Neighborhood Commercial) to MU (Mixed Use).

The hearing will be held at Cottonwood Heights City Offices, 1265 East Fort Union Blvd., Suite 300, at 7:00 p.m. or as soon thereafter as the matter can be heard. Inquiries should be directed to Greg Platt at 944-7000.

Attest: Linda Dunlavy
City Recorder

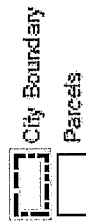


6723 South 1300 East
6753 South 1300 East
6761 South 1300 East

Applicant is requesting
to rezone property from

NC (Neighborhood
Commercial) to MU (Mixed
Use).

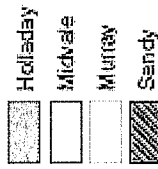
Legend



Street Names

Neighbor Cities

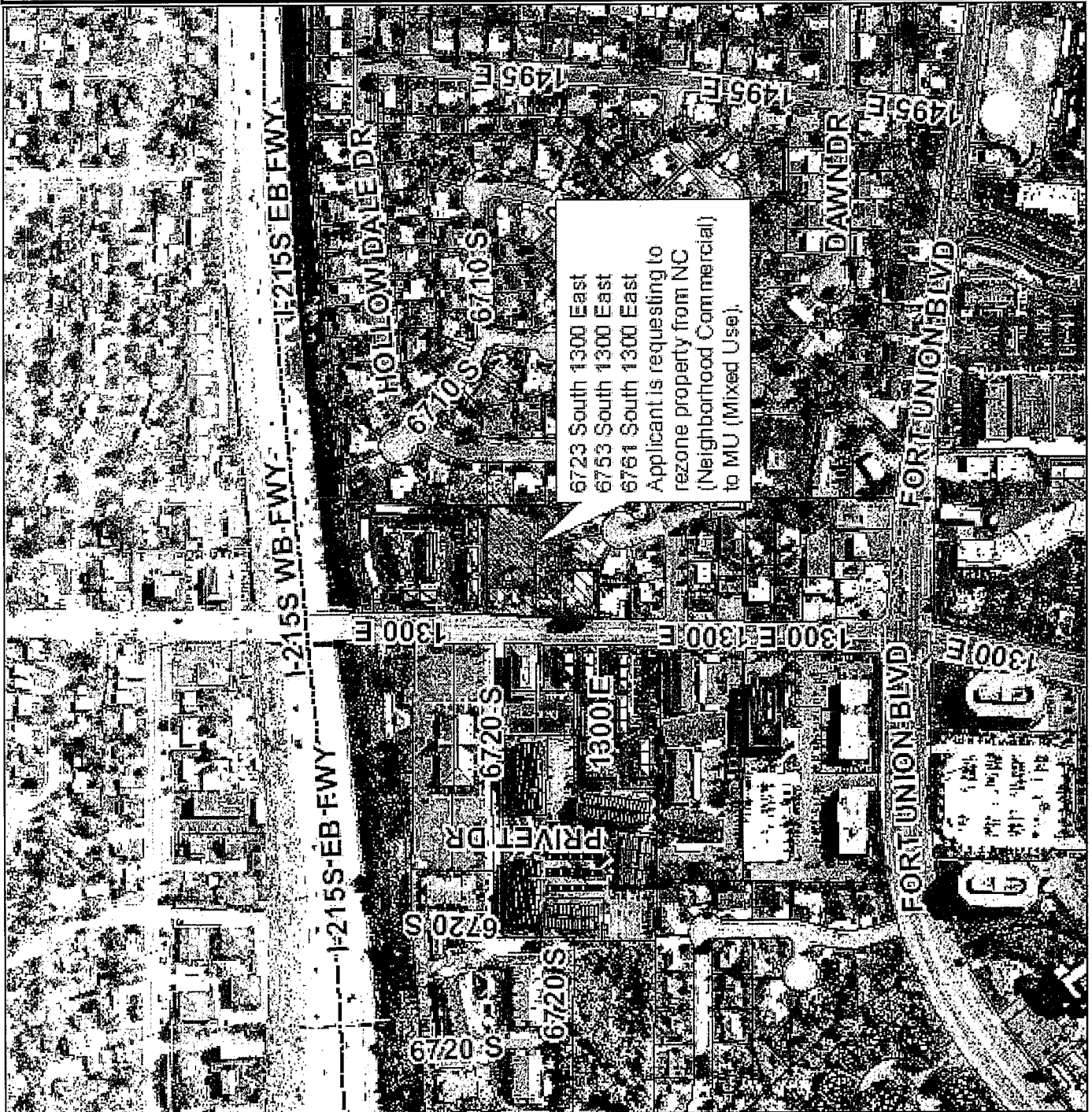
City



City of Cottonwood Heights
Planning Department
1265 E. Fort Union Blvd., #250
Cottonwood Heights, UT 84047
(801) 944-7067



Published:
October 22, 2009



1 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**
2 **PLANNING COMMISSION MEETING**

3
4 **Wednesday, October 1, 2008**

5 **7:00 p.m.**

6 **Cottonwood Heights City Council Room**
7 **1265 East Fort Union Boulevard, Suite 300**
8 **Cottonwood Heights, Utah**

9
10 **ATTENDANCE**

11
12 **Planning Commission Members:**

City Staff:

13
14 Doug Haymore, Vice Chairman
15 Geoff Armstrong
16 JoAnn Frost
17 Brad Jorgenson
18 Jim Keane
19 Amy Rosevear
20 Perry Bolyard

Michael Black, Planning Director

21
22 **BUSINESS MEETING**

23
24 **1. WELCOME/ACKNOWLEDGEMENTS.**

25
26 Vice Chairman Doug Haymore called the meeting to order at 7:01p.m. Procedural issues were
27 reviewed.

28
29 **2. CITIZEN COMMENTS.**

30
31 There were no public comments.

32
33 **3. PUBLIC HEARINGS:**

34 **3.1 There are no public hearings on the agenda.**

35
36 **4. ACTION ITEMS.**

37 **4.1 The Planning Commission will take action on a request for a zone change from RR-**
38 **1-43 Rural Residential to RR-1-21 Rural Residential as requested by Allen Nielsen.**
39 **The property is located at 2249 East 7800 South.**

40
41 (19:03:35) Vice Chair Haymore discussed procedural issues for the action items. As there had
42 been much debate previously on all of the agenda items, he suggested further questions to staff
43 be made after the motions have been made and seconded as staff presentations were made
44 previously on each issue. There was no objection to this procedure.

1 (19:04:38) *Commissioner Rosevear moved to approve the application as recommended by staff,*
2 *with the staff-recommended conditions. (*no conditions were set out in the staff report).*
3 *Commissioner Armstrong seconded the motion.*

4
5 Commissioner Rosevear commented that most of the concerns for this item pertained to traffic.
6 She did not think two extra homes on the property would materially affect the traffic. It was
7 clarified that the site is currently approved for two homes, and the proposed zone change will
8 result in two additional half-acre lots. Commissioner Rosevear reported that she lives in the area
9 and was confident that the proposed change will have no material effect on traffic from the
10 school in the area.

11
12 (19:05:53) Commissioner Armstrong visited the property earlier in the day and stated that part of
13 the property is on a steep incline, which has been estimated at 150 feet. He noted that some of
14 the property is actually at the bottom of the incline. He made inquiries and discovered that the
15 development of the four lots on the upper portion would be approximately the same size as the
16 other lots on the street.

17
18 Commissioner Frost commented that the application is within the intent of the General Plan and
19 does not constitute an extreme change from what already exists in the area.

20
21 (19:06:51) *Vote on motion: JoAnn Frost-Aye; Amy Rosevear-Aye; Brad Jorgenson-Aye;*
22 *Geoff Armstrong-Aye; Perry Bolyard-Aye; Jim Keane-Aye. The motion passed unanimously.*
23 *Vice Chair Haymore did not participate in the vote.*

24
25 **4.2 The Planning Commission will take action on a request to extend the application for**
26 **a Flag Lot known as Cabco Flag Lot Subdivision for one year. The original**
27 **application was approved by the Planning Commission on May 16, 2007. The**
28 **property is located at 3509 East Big Cottonwood Canyon Road.**

29
30 (19:07:15) *Commissioner Armstrong moved to grant the extension of the flag lot.*
31 *Commissioner Rosevear seconded the motion.*

32
33 Commissioner Jorgenson thought the request was reasonable based on the timing issues the
34 applicant has had regarding development approvals. Commissioner Jorgenson reiterated that it is
35 a fair request and a good idea.

36
37 (19:08:12) *Vote on motion: JoAnn Frost-Aye; Amy Rosevear-Aye; Brad Jorgenson-Aye; Geoff*
38 *Armstrong-Aye; Perry Bolyard-Aye; Jim Keane-Aye. The motion passed unanimously. Vice*
39 *Chair Haymore did not participate in the vote.*

40
41 **4.3 The Planning Commission will discuss and take action on establishing regularly**
42 **scheduled dates for General Plan Amendments.**

43
44 (19:08:40) Vice Chair Haymore suggested the above matter be tabled to a future date when all
45 Commissioners are present to make comment.

1 (19:08:53) *Commissioner Bolyard moved to continue agenda item 4.3 to a future Planning*
2 *Commission Meeting. Commissioner Frost seconded the motion.*

3
4 Commissioner Rosevear commented that the Planning Commission has had the staff report for a
5 number of days and have had ample time to discuss the item and consider public comment. The
6 present Commission Members were capable of making a decision tonight. It was clarified that
7 Commissioner Rosevear intended the comments for item 4.4. Because of what was being
8 discussed she agreed that the issue was best left for a full Commission.

9
10 (19:10:06) *The above motion passed with the unanimous consent of the Commission.*

11
12 **4.4 The Planning Commission will take action on proposed amendments to the Mixed-**
13 **Use Zone (19.36) for the addition of a conditional use for, and regulation of, Urban**
14 **Mixed-Use self-storage facilities as requested by Jim Kane.**

15
16 (19:10:11) *Commissioner Frost moved that the Planning Commission recommend adoption of*
17 *the amendment to the Mixed-Use Zoning Ordinance 19.36, to add Urban Mixed-Use self-*
18 *storage as a conditional use, with the regulations and recommendations from staff, including*
19 *the change to be made by staff and the City attorney as to the use for non-commercial storage.*
20 *Commissioner Armstrong seconded the motion.*

21
22 Planning Director, Michael Black, clarified that wording should better reflect the intention,
23 which is to prevent people from operating commercial businesses out of storage units rather than
24 prohibiting commercial businesses from using such facilities for storage. He stated that he and
25 City Attorney, Shane Topham, would ensure that the final language is clear and consistent.

26
27 Commissioner Frost commended the applicant, Mr. Kane for the renderings that were submitted.
28 She hoped the Commission would hold the applicant to a similar standard of architectural design
29 on future developments, including signage. Vice Chair Haymore agreed and stated that by
30 adopting the ordinance as written it would afford a flexible approach to the needs of the City,
31 balancing both the aesthetic and economic needs for new and emerging uses.

32
33 (19:13:29) *Vote on motion: JoAnn Frost-Aye; Amy Rosevear-Aye; Brad Jorgenson-Aye;*
34 *Geoff Armstrong-Aye; Perry Bolyard-Aye; Jim Keane-Aye. The motion passed unanimously.*
35 *Vice Chair Haymore did not participate in the vote.*

36
37 **5. DISCUSSION ITEMS.**

38 **5.1 The Planning Commission will review and discuss an update from staff on the status**
39 **of the resubmission of plans for the PUD known as Avalon Point. This property is**
40 **located at 8420 South Wasatch Blvd.**

41
42 (19:13:59) Mr. Black explained that the item was added to the agenda in the event the applicant
43 was ready to present a revised plan. No such revision was received, and the application was
44 denied per the motion and vote at the previous Planning Commission Meeting.

1 **5.2 The Planning Commission will discuss the proposed extensions to the Gateway**
2 **Overlay District.**

3
4 (19:14:43) Vice Chair Haymore explained that the above item was discussed in the work session.
5 It was clarified that the item was the proposed extension of the Gateway Overlay District. As
6 there was no further discussion, Vice Chair Haymore stated that the item will be on a future
7 agenda after more work is completed by staff. The item will be discussed further at that time and
8 noticed as required by ordinance.
9

10 **6. PLANNING DIRECTOR'S REPORT.**
11

12 (19:15:33) Mr. Black explained that an open house was held the previous Tuesday, from 12:00
13 p.m. to 7:00 p.m. regarding the City Center Master Plan. Approximately two dozen people were
14 in attendance. The comments received during the City Council Meeting were positive while the
15 comments at the open house were somewhat negative. The item was still being considered.
16 Staff was in the process of deciding whether to go forward with the plan. Mr. Black did not
17 believe there was any intension to add the City Center Master Plan to the General Plan presently.
18 He commented that the General Plan has a placeholder mark on the property as a potential City
19 Center site, which will suffice for the time being.
20

21 **7. APPROVAL OF MINUTES**

22 **7.1 June 18, 2008**

23 **7.2 July 2, 2008**

24 **7.3 July 16, 2008**

25 **7.4 August 6, 2008**

26 **7.5 September 17, 2008**
27

28 (19:17:27) Commissioner Rosevear stated that she was not in attendance at the June 18, 2008
29 meeting, however, she was shown as being in attendance and voting.
30

31 (19:18:04) *Commissioner Jorgenson moved that the minutes for June 18, 2008, July 2, 2008,*
32 *July 16, 2008, August 6, 2008, and September 17, 2008 be approved as presented, with the*
33 *change noted. Commissioner Rosevear seconded the motion. The minutes were approved*
34 *with the unanimous consent of the Commission.*
35

36 **8. ADJOURNMENT.**
37

38 (19:18:26) *Commissioner Frost moved to adjourn. Commissioner Rosevear seconded the*
39 *motion. The minutes were approved with the unanimous consent of the Commission.*
40

41 The Planning Commission Meeting adjourned at 7:18 p.m.
42

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the*
2 *Cottonwood Heights City Planning Commission meeting held Wednesday, October 1, 2008.*

3
4
5
6 

7
8
9 Teri Forbes
10 T Forbes Group
11 Minutes Secretary

12
13
14 Minutes approved:

DRAFT